

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes – The bill authorizes the District to collect fees for connection to and use of the works of the District.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Flagler Estates Road and Water Control District originally was named "Sixteen Mile Creek Water 8 Control District" when it was created as a public corporation by Final Judgment of the Seventh Judicial Circuit Court, St. Johns County, Florida, on June 4, 1971, as recorded in O.R. 194, page 344, Public Records of St. Johns County, Florida, in Case # 2154.

The District originally was authorized to accept and maintain drainage improvements already in existence and to operate pursuant to chapter 298, F.S. In addition to the powers provided for in general law, in 1981 the District was granted the authority to maintain roadways, roads, and streets. This road authority geographically was expanded in 1982 to include the lands within the boundaries of the District situated in Flagler County as well as a component of the District's road maintenance authority within the District boundaries. The District also has the authority to include, but not be limited to, street lighting, road striping, reconstruction, and any other safety features or improvements customary to a modern road system. Surplus real property owned by the District can be made available to the public for passive use and the District is authorized to enter into lease or interlocal agreements with other governmental entities for the operation and/or maintenance of passive use areas within the District boundaries.

Chapter 2000-479, L.O.F., an act relating to Flagler Estates Road and Water Control District, St. Johns and Flagler Counties, provides that if no agreement can be reached and the level of assessment on properties located within the District reaches zero, the lands will be dissolved from the District, Flagler County will assume title to all real property of the District that is located in Flagler County, and the county will assume all debts owed by the District with respect to property or interest so transferred.

Effect of Proposed Changes

This bill amends the boundaries to Flagler Estates Road and Water Control District (District), an independent special district in St. Johns County. The bill authorizes the District to collect fees for connections to and use of District works by the Hastings Drainage District and by the landowners of property in Flagler County that was formerly a part of the District. The bill provides the District and Hastings Drainage District may enter into an interlocal agreement that incorporates district policies and conditions for cooperative operation of interconnected water facilities. The bill provides that the District shall have authority to construct, operate, maintain, repair, and replace any and all works and improvements necessary to execute the district's water control plan, including all power and authority conferred by chapter 298, F.S. The bill provides that the works of the District include all waterways, water control structures, equipment, facilities, real property interests, lighting, roads and the streets maintained by the District.

C. SECTION DIRECTORY:

Section 1. Amends sections 1 and 3 of section 4 of chapter 98-529, L.O.F.

Section 1. Amends the powers and authority of the District.

Section 3. Revises District boundaries.

Section 2. Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 21, 2005.

WHERE? The St. Augustine Record, St. Augustine, St. Johns County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Mr. David Ramba, Esq., with the law firm of Lewis, Longman & Walker, P.A., representing the District, sent the following statement relating to the boundaries of the district:

This bill specifically de-annexes all District lands located in Flagler County as was required by chapter 2000-479, L.O.F. All land remaining in the District is in St. John's County. In addition, the boundary is amended to include district-owned lands containing the main outfall structure for the Sixteen Mile Creek Basin into the boundary description.¹

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Sponsor of the bill intends to offer a strike-all amendment requiring Hastings Drainage District and Flagler Estates Road and Water Control District, with the assistance and advice of the St. Johns River Water Management District, to enter into an interlocal agreement by December 31, 2006, regarding interconnected water control facilities. The amendment deletes a provision that the District may collect fees for connection to and use of the works of the District. The amendment also adds a statement that "the district recognizes that it is subject to the provisions of Chapter 2005-345, Laws of Florida, in so far as that chapter relates to the Flagler Estates Road and Water Control District formerly known as Sixteen Mile Creek Water Control District."

¹ See Letter from Mr. David Ramba (March 31, 2006) (on file with House of Representatives, Local Government Council).